

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF	)	
INFORMATION FILED WITH SOUTH CENTRAL	)	CASE NO. 95-378
BELL TELEPHONE COMPANY'S PROPOSED TARIFF)	)	
FOR ADWATCH <sup>SM</sup> SERVICE	)	

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc., d/b/a South Central Bell Telephone Company ("South Central Bell"), filed August 30, 1995, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost data filed in support of its proposed tariff for AdWatch<sup>SM</sup> Service on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury, and it appearing to this Commission as follows:

In this proceeding, South Central Bell seeks approval of its proposed tariff for the introduction of AdWatch<sup>SM</sup> Service, which is designed to work with advertising entities and their clients who desire to track the effectiveness of their advertising campaigns. This new service utilizes the capability of the Advanced Intelligent Network ("AIN") to provide virtual numbers and optional call information. A call to a virtual number is automatically routed by the AIN to the subscriber's actual telephone number. A monthly record of those calls will be compiled and will be available to the subscriber. In support of its application for

approval of the tariff, South Central Bell has filed cost information which it seeks to protect as confidential.

The information sought to be protected is not known outside of South Central Bell and is not disseminated within South Central Bell except to those employees who have a legitimate business need to know and to act upon the information. South Central Bell seeks to preserve and protect the confidentiality of the information through all appropriate means, including the maintenance of appropriate security at its offices.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That subsection of the statute exempts several categories of information. One category exempted in paragraph (c)1 of that subsection is commercial information confidentially disclosed to the Commission which if made public would permit an unfair commercial advantage to competitors of the party from whom the information was obtained. To qualify for the exemption, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

South Central Bell's competitors for this service are providers of single number service, including interexchange carriers and other vendors. Disclosure of the information would

enable competitors to determine South Central Bell's cost and contribution from the service, which they could use in marketing their competing services to the detriment of South Central Bell. Therefore, disclosure of the information is likely to cause South Central Bell competitive injury and the information should be protected as confidential.


South Central Bell also maintains that the cost information should be protected because it contains vendor specific pricing negotiated by South Central Bell and is protected by non-disclosure agreements. Since it has been determined that the information is entitled to protection because it would give an unfair advantage to South Central Bell's competitors offering the same service, this issue need not be addressed.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the cost information filed in support of the proposed tariff for AdWatch<sup>SM</sup> Service, which South Central Bell has petitioned to be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 2nd day of October, 1995.


PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

ATTEST:

  
Executive Director

  
Commissioner